

Michael P. Lehmann (77152)  
**COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.**  
[mlehmann@CMHT.com](mailto:mlehmann@CMHT.com)  
One Embarcadero Center  
Suites 526 A & B  
San Francisco, CA 94111  
Telephone: (415) 623-2047  
Facsimile: (415) 433-5994  
[Additional counsel listed on signature page]

***Counsel for Plaintiffs and the Proposed Class***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE INTERNATIONAL AIR  
TRANSPORTATION SURCHARGE  
ANTITRUST LITIGATION

Master File No. M:06-1793-CRB

MDL No. 1793

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
CASES SHOULD BE RELATED**

*Won B. Kang and Joong H. Kang  
v. Korean Airlines Co., Ltd., et al.,  
Case No. C-07-05406-EMC*

The Honorable Charles R. Breyer

*Christopher James Lee and Yang Hee Lee  
v. Korean Airlines Co., Ltd., et al.,  
Case No. C-07-05407-VRW*

*Peter Kim v. Korean Airlines Co., Ltd., et al.*, Case No. C-07-05409-BZ

**TO THE COURT AND ALL PARTIES OF RECORD:**

Pursuant to Local Rules 3-12 and 7-11, Plaintiffs Won B. Kan, Joong H. Kang, Christopher James Lee, Yang Hee Lee, and Peter Kim submit this administrative motion to consider whether cases filed in this District, *Kang v. Korean Air Lines Co. Ltd. et al.*, Case No. C-07-5406-EMC (“Kang”), *Lee v. Korean Air Lines Co. Ltd. et al.*, Case No. C-07-5407-VRW (“Lee”), and *Kim v. Korean Air Lines Co. Ltd. et al.*, Case No. C-07-5409-BZ (“Kim”) should be related to *In re International Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793 (Master File No. M:06-1793-CRB) (“MDL Action”).

1                   The *Kang, Lee* and *Kim* cases allege that named defendants Korean Air Lines Co., Ltd.  
 2 (“Korean Air”) and Asiana Airlines, Inc. (“Asiana”) violated federal antitrust law by engaging in  
 3 a conspiracy to fix fares charged to passengers, including fuel surcharges, for air transportation  
 4 between the United States and the Republic of Korea (“Korea”). Accordingly, the *Kang, Lee* and  
 5 *Kim* actions involve factual and legal allegations substantially similar to those in the pending  
 6 MDL Action where plaintiffs allege a general conspiracy, in violation of federal antitrust law,  
 7 among several airline defendants to fix passenger fares, including fuel surcharges, during  
 8 substantially the same time period as that alleged in the *Kang, Lee* and *Kim* actions.  
 9

10                  The Court has previously related the following cases, involving similar claims against  
 11 Korean Air and Asiana, to the pending MDL Action:

12                  *Hee Ho Chung et al. v. Korean Air Lines Co. Ltd. et al.*, No. C-07-3985-CRB

13                  *Hwa Ja Chung v. Korean Air Lines Co., Ltd.*, Case No. C-07-4016-BZ

14                  *Ben Lee v. Korean Air Lines Co., Ltd.*, Case No. C-07-4085-JL

15                  *Yun Choi v. Korean Air Lines Co., Ltd.*, Case No. C-07-4173-JCS

16                  *Yoon S. Chang v. Korean Air Lines Co., Ltd.*, Case No. C-07-4244-MMC

17                  *Kirby K. Kim v. Korean Air Lines Co., Ltd.*, Case No. C-07-4245-MEJ

18                  *Scott McLean v. Korean Air Lines Co., Ltd.*, Case No. C-07-4297-SC

19                  *Martin Kauffman v. Korean Air Lines Co., Ltd.*, Case No. C-07-4349-JSW

20                  *Kaz Fujita v. Korean Air Lines Co., Ltd.*, Case No. C-07-4489-JL

21                  *Morris v. Korean Air Lines Co., Ltd.*, Case No. C-07-4576-JSW

22                  *Amy Bricker v. Korean Air Lines Co., Ltd.*, Case No. C-07-4508-MEJ

23                  *Michael Lee v. Korean Air Lines Co., Ltd.*, Case No. C-07-4509-MMC

24                  *Tae Ki Hwang v. Korean Air Lines Co., Ltd.*, Case No. C-07-4891-EDL

25                  *Chajeon Ko v. Korean Air Lines Co., Ltd.*, Case No. C-07-4977-EDL

*Jason Kim v. Korean Air Lines Co., Ltd.*, Case No. C-07-5093-MEJ

*Junghee Kay v. Korean Air Lines Co., Ltd.*, Case No. C-07-5142-WDB

*Kangsik Kay v. Korean Air Lines Co., Ltd.*, Case No. C-07-5171-MEJ

*Jo Kyu Chun v. Korean Air Lines Co., Ltd.*, Case No. C-07-5216-JL

*Yim, et al. v. Korean Air Lines Co., Ltd.*, Case No. C-07-5143-JCS

All the above actions allege violations of antitrust law as a result of the alleged conspiracy between Korean Air and Asiana to fix fares for passenger air transportation from the United States to Korea.

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an unduly burdensome duplication of labor and expense or the possibility of conflicting results if the *Kang*, *Lee* and *Kim* cases are conducted before different Judges. Relating the cases should help to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.

For the foregoing reasons, the *Kang*, *Lee* and *Kim* cases satisfy the criteria of Local Rule 3-12 and Plaintiffs respectfully request that the cases be related to the pending MDL Action and assigned to the Honorable Charles R. Breyer.

Dated: November 1, 2007

Respectfully submitted,

By: /s/ Michael P. Lehmann  
Michael P. Lehmann (77152)  
**COHEN, MILSTEIN, HAUSFELD  
& TOLL P.L.L.C.**  
One Embarcadero Center  
Suites 526 A & B  
San Francisco, CA 94111  
Telephone: (415) 623-2047  
Facsimile: (415) 433-5994  
[mlehmann@CMHT.com](mailto:mlehmann@CMHT.com)

Steven A. Kanner  
Douglas A. Millen  
Michael E. Moskovitz  
**FREED KANNER LONDON &  
MILLEN LLC**  
2201 Waukegan Road, Suite 130  
Bannockburn, IL 60015  
Telephone: (224) 632-4500  
Facsimile: (224) 632-4521  
[skanner@fkmlaw.com](mailto:skanner@fkmlaw.com); [dmillen@fkmlaw.com](mailto:dmillen@fkmlaw.com);  
[mmoskovitz@fkmlaw.com](mailto:mmoskovitz@fkmlaw.com)

Andrew B. Sacks  
John K. Weston  
**SACKS & WESTON**  
114 Old York Road  
Jenkintown, Pennsylvania 19046  
Telephone: (215) 925-8200  
Facsimile: (215) 925-0508  
**[ABS@sackslaw.com](mailto:ABS@sackslaw.com); [JKW@sackslaw.com](mailto:JKW@sackslaw.com)**

Mark S. Goldman  
**GOLDMAN SCARLATO & KARON, P.C.**  
101 West Elm Street, Suite 360  
Conshohocken, PA 19428  
Telephone: (484) 342-0700  
Facsimile: (484) 342-0701  
[goldman@gsk-law.com](mailto:goldman@gsk-law.com)